

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

STANLEY DEPTOLA,

Plaintiff,

-against-

JOHN DOE, et al.,

Defendants.

**MEMORANDUM OF DECISION
AND ORDER**

04-CV-1379 (DRH)(JO)

APPEARANCES:

For the Plaintiff:

Stanley Deptola, Pro Se

99 Pine Street

East Moriches, New York 11940

For the Defendants John Does:

Patricia A. Rouse, Esq.

Suffolk County Attorney's Office

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Hauppauge, New York 11788-0099

For the Defendant Suffolk County Sheriff's Department:

Brain C. Mitchell, Esq.

Suffolk County Department of Law - County Attorney

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Hauppauge, New York 11788

HURLEY, District Judge:

On September 9, 2005, United States Magistrate Judge James Orenstein issued a Report and Recommendation in this case, recommending that plaintiff Stanley Deptola's claims be dismissed with prejudice for failure to prosecute. No objections to the Report and Recommendation have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation of Judge Orenstein for clear error, and the Court concurs in both its reasoning and its result. Accordingly, this Court adopts the September 9, 2005 Report and Recommendation of Judge Orenstein as if set forth herein. The Clerk of the Court is hereby directed to dismiss the Complaint with prejudice and close this case.

SO ORDERED.

Dated: Central Islip, N.Y.
October 7, 2005

/s _____
Denis R. Hurley,
United States District Judge